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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,453	11/28/2003	Katsumi Sakamaki	117880	8274

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT PAPER NUMBER

2629

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,453	<b>Applicant(s)</b> SAKAMAKI ET AL.	
	<b>Examiner</b> Jennifer T. Nguyen	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/28/03;12/18/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaeger (Patent No. US 5,977,955).

Regarding claim 1, Jaeger teaches a user interface device (fig. 1), comprising:

a display screen (36) for displaying an image (col. 7, lines 11-21);

display control means (38) for controlling so as to display an image (33) on the display screen (36) (col. 7, lines 30-52);

an operation member (12, 13, 14, and 16) for being operated by a user; and

operation member drive control means (178, fig. 21) for driving the operation member at least in a one-dimensional direction (col. 17, lines 48-65),

wherein the operation member (12, 13, 14, and 16) is mounted within, in the vicinity of, or partly overlapping a display region of the display screen (36) (col. 7, lines 11-26).

Regarding claim 2, Jaeger teaches the operation member drive control means drives the operation member according to an operation pattern which corresponds to the image displayed on the display screen (col. 7, lines 30-52).

Regarding claim 3, Jaeger teaches the operation member drive control means conveys a variety of reactive forces to the user operating the operation member, depending on the image displayed on the display screen (col. 17, lines 48-65).

Regarding claim 4, Jaeger teaches position detection means (174, fig. 21) for detecting a position of the operation member within the display screen, wherein the operation member drive control means (178) changes an operation pattern for the operation member according to the position of the operation member, which is detected by the position detection means (col. 17, lines 48-65).

Regarding claim 5, Jaeger teaches the display control means (38) changes an image to be displayed on the display screen according to the position of the operation member relative to the image displayed on the display screen (col. 7, lines 30-42).

Regarding claim 6, Jaeger teaches the display control means switches images to be displayed on the display screen in response to an input confirmation operation performed by the user following the image displayed on the display screen (col. 7, lines 30-42).

Regarding claim 7, Jaeger teaches the operation member has an input confirmation mechanism (col. 16, lines 5-8).

Regarding claim 8, Jaeger teaches the display control means controls so as to display a selection item selected by the user using the operation member from among a plurality of selection items displayed on the display screen, in a manner different from a manner of displaying other selection items (col. 16, lines 32-50).

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Regarding claim 9, Jaeger teaches the operation member drive control means drives the operation member in a non-display mode when no image is displayed on the display screen col. 9, lines 48-63).

Regarding claim 10, Jaeger teaches the operation member is provided within the display screen and connected through an opening (37, fig. 2) formed on the display screen to the operation member drive control means provided below the display screen (col. 7, lines 22-29).

Regarding claim 17, Jaeger teaches detection means for detecting an amount of operation of the operation means, wherein the operation member drive control means changes an operation pattern for the operation member according to the amount of operation detected by the detection means (col. 17, lines 48-65).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (Patent No. US 5,977,955) in view of Jaeger et al. (Patent No. US 6,642,919).

Regarding claim 11, Jaeger teaches the operation member is provided on the display screen (fig. 2).

Jaeger differs from claim 11 in that he does not specifically teach the operation member drive control means is provided on the display screen.

Jaeger et al. teaches operation member drive control means (126, fig. 42 ) is provided on the display screen (col. 17, lines 15-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the operation member drive control means is provided on the display screen as taught by Jaeger et al. in the system of Jaeger in order to control the operation member efficiently.

Regarding claim 13, the combination of Jaeger and Jaeger et al. teaches the operation member drive control means drives the operation member (111f) with at least two degrees of freedom (fig. 41 of Jaeger et al.).

Regarding claim 14, the combination of Jaeger and Jaeger et al. the operation member drive control means drives the operation member with freedom along a plane in a two-dimensional direction which is substantially parallel to the display screen serving as a reference plane (fig. 41 of Jaeger et al.).

5. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (Patent No. US 5,977,955) in view of McIntyre et al. (Patent No. US 6,549,194).

Regarding claim 12, Jaeger differs from claim 12 in that he does not specifically teach the display screen additionally functions as the operation member.

McIntyre teaches display screen additionally functions as the operation member (col. 3, lines 29-42, figs. 1, 1b). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display screen additionally functions as the operation member as taught by McIntyre in the system of Jaeger in order to provide a flat panel display control to protect internal circuit from dust, water environment.

Regarding claim 16, the combination of Jaeger and McIntyre teaches the screen display means has a touch panel input mechanism (col. 3, lines 29-42, figs. 1, 1b of McIntyre).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (Patent No. US 5,977,955) in view of Noguchi et al. (Patent No. US 6,707,387).

Regarding claim 15, Jaeger teaches the operation member drive control means drives the operation member with freedom for rotation around an axis in a first direction (x-direction) substantially parallel to the display screen serving as a reference plane, rotation around an axis in a second direction (y-direction) substantially parallel to the reference plane and vertical to the first direction (fig. 2, i.e., control device 16 can rotate different direction as shown at image 33).

Jaeger differs from claim 15 in that he does not specifically teach rotation around an axis in a third direction substantially vertical to the reference plane, or rotation that is a combination of at least two types of rotation described above.

Noguchi teaches rotation around an axis in a third direction substantially vertical to the reference plane, or rotation that is a combination of at least two types of rotation described above (col. 5, lines 44-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the rotating as taught by Noguchi in the system of Jaeger in order to improve the operating functions of the switch device.

7. The prior art made of record and not relied upon is considered to pertinent applicant's disclosure: US 5,859,631 and US 6,219,035.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen  
8/26/06



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